

Serial No.: 10/775,058
Docket No.: 104-R001
Amendment dated May 2, 2006
Reply to the Office Action of November 2, 2005

REMARKS

Introduction

Applicant notes with appreciation the Examiner's indication that claims 1-19 are allowed. Applicant also notes with appreciation the Examiner's indication that the reference cited in the Information Disclosure Statement of February 10, 2004 has been considered.

Upon entry of the foregoing amendment, claims 1-69 are pending in the application. Claims 20, 23, 26, 28, 30, 33-37, 39, 40, and 42-46 have been amended. New claims 47-69 have been added. No new matter is being presented. In view of the following remarks, reconsideration and allowance of all the pending claims are requested.

Rejection under 35 USC §112

Claims 20, 33-36, and 39-40 have been rejected under 35 U.S.C. §112. Applicant respectfully traverses these rejections for at least the following reasons.

At page 2, item 6 of the Office Action of November 2, 2005, the Examiner takes the position that "there is insufficient antecedent basis" for the language "to indicate" or "indicating."

MPEP 2173.05(e) provides:

A claim is indefinite when it contains words or phrases whose meaning is unclear. The lack of clarity could arise where a claim refers to 'said lever' or 'the lever,' where the claim contains no earlier recitation of a lever. Obviously, however, the failure to provide explicit antecedent basis for terms does not always render a claim indefinite. If the scope of a claim would be reasonably ascertainable by those skilled in the art, then the claim is not indefinite.

In view of the passage from the MPEP provided above, Applicant respectfully submits that the Examiner's § 112 rejection of claims 20, 33-36, 39, and 40 is improper, since those of skill in the art could reasonably ascertain the scope of these claims including the language "a mode signal indicating (to indicate) a rotated state of the screen body." Furthermore, the phrases that the Examiner is referring to are being positively recited for the first time, and

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therefore requesting to provide antecedent basis for the phrases is not proper. Accordingly, Applicant respectfully submits that claims 20, 33-36, 39, and 40 comply with the requirements set forth in §112, 2nd paragraph, and withdrawal of the rejection of these claims is earnestly solicited.

Regarding claims 21-32, 37, 38, and 41, it is respectfully submitted that for at least the reason that each of claims 21-32, 37, 38, and 41 depends from independent claims 20, 36, and 40, respectively, claims 21-32, 37, 38, and 41 are therefore also patentable. Accordingly, withdrawal of the rejection of these claims is also earnestly solicited.

At page 3, item 7 of the Office Action of November 2, 2005, the Examiner has rejected claims 22 and 25 as allegedly lacking sufficient antecedent basis for the language "direct key selection." Applicant respectfully notes that the article "a" precedes the language "direct key selection" in each of claims 22 and 25. Accordingly, "a direct key selection" is being positively recited for the first time, and therefore, the Examiner has improperly rejected claims 22 and 25 under §112, 2nd paragraph, since the phrase "a direct key selection" in these claims cannot have antecedent basis when being positively recited for the first time. Applicant respectfully submits that claims 22 and 25 comply with the requirements set forth in §112, 2nd paragraph, and withdrawal of the rejection of these claims is earnestly solicited.

At page 3, item 8 of the Office Action of November 2, 2005, the Examiner has rejected claim 40 as allegedly lacking sufficient antecedent basis for the language "control signal indicating an angle." Applicant has amended independent claim 40, and the language rejected by the Examiner is no longer recited in independent claim 40. Accordingly, Applicant respectfully submits that claim 40 complies with the requirements set forth in §112, 2nd paragraph, and withdrawal of the rejection of this claim is earnestly solicited.

Rejection under 35 USC §102

Claims 20-30, 32 and 33 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,661,632 to Register. Applicant respectfully requests withdrawal of this rejection and reconsideration of these claims for at least the following reasons.

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Claims 20-30 and 32

Applicant submits that Register is directed to a hand held computer with a dual display screen orientation capability. See Register col. 1, lines 40-45. In particular, Register's hand held computer includes circuit means to generate selectively variable data on the display screen and a manually operable control means to control generation of the data on the display screen to selectively rotate the data. See Register col. 1, lines 50-57. It is evident from FIGS. 4, 5, and 7 and corresponding description in Register that the handheld computer 10 shown therein is limited to rotating any and all display data to be displayed on a display screen 26. See Register col. 1, lines 50-60. However, nowhere does Register disclose, mention, or even suggest "displaying... information about operation of the screen at a rotated position in accordance with the mode signal," as presently recited in independent claim 20 of Applicant's invention. Thus, Register does not disclose "displaying the OSD image containing information about operation of the screen at a rotated position in accordance with the mode signal," among other things. Accordingly, Applicant respectfully submits that Register's screen 26 does not display "the OSD image," as presently recited in independent claim 20. Since Register does not disclose, among other things, "displaying the OSD image containing information about operation of the screen at a rotated position in accordance with the mode signal," it is submitted that Register fails to disclose each of the features of independent claim 20 of Applicant's invention, as presently recited.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as contained in the...claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). "The elements must be arranged as required by the claim..." In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Further, in the event that the Office Action is relying on the theory of inherency in any manner, "the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied art." Ex parte Levy, 17 USPQ2d 1461, 1464

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(Bd. Pat. App. & Inter. 1990) (emphasis in original). See also MPEP 2112. Accordingly, since Register does not explicitly or inherently disclose every element as presently recited in independent claim 20, Register cannot be properly used to reject independent claim 20 under 35 U.S.C. § 102. Therefore, it is respectfully submitted that independent claim 20 is allowable over Register, and withdrawal of this rejection is earnestly solicited.

Regarding claims 21-30 and 32, it is respectfully submitted that for at least the reasons that each of claims 21-30 and 32 depends from independent claim 20, and therefore contain each of the features as presently recited in this claim, claims 21-30 and 32 are therefore also patentable over Register. Accordingly, withdrawal of the rejection of these claims is also earnestly solicited.

Claim 33

As set forth above in the discussion of independent claim 20, it is evident from FIGS. 4, 5, and 7 and corresponding description of Register that the handheld computer 10 shown therein is limited to rotating any and all display data to be displayed on a display screen 26. See Register col. 1, lines 50-60. However, Register does not disclose an "OSD window," as presently recited in independent claim 33 of Applicant's invention. Furthermore, Register does not disclose "displaying...attribute or functional information about an operational state of the screen body," also as presently recited in independent claim 33 of Applicant's invention. Since Register does not disclose either one of these features let alone both of them combined, Register fails to disclose "displaying the OSD window at the desired display position on the rotatable screen body ..., wherein the OSD window indicates attribute or functional information about an operational state of the screen body," as presently recited in independent claim 33. Accordingly, since Register does not explicitly or inherently disclose every element as presently recited in independent claim 33, Register cannot be used to properly reject independent claim 33 under 35 U.S.C. § 102. Therefore, it is respectfully submitted that independent claim 33 is allowable over Register, and withdrawal of this rejection is earnestly solicited.

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Claims 20, 30, 31, 42 and 43 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,329,289 to Sakamoto et al. Applicant respectfully requests withdrawal of this rejection and reconsideration of these claims for at least the following reasons.

Claims 20, 30, and 31

Applicant submits that Sakamoto et al. is directed to a data processor with a rotatable display having a control means to control a display means to display either a vertically or laterally elongated onscreen layout. See Sakamoto et al. col. 2, lines 15-20 and 31-35. However, Sakamoto et al. does not disclose, among other things, "displaying the OSD image containing information about operation of the screen at a rotated position in accordance with the mode signal," as presently recited in independent claim 20 of Applicant's invention. In contrast with the present invention, the device shown in Sakamoto et al. is limited to rotating all data to be displayed on a display unit 3. Nowhere do Sakamoto et al. disclose, mention, or even suggest that the display unit 3 displays "information about operation of the screen at a rotated position..." Thus, Sakamoto et al. fails to disclose each of the features of independent claim 20 of Applicant's invention, as presently recited. Accordingly, since Sakamoto et al. does not explicitly or inherently disclose every element of independent claim 20, as presently recited, Sakamoto et al. cannot be properly used to reject independent claim 20 under 35 U.S.C. § 102. Therefore, it is respectfully submitted that independent claim 20 is allowable over Sakamoto et al., and withdrawal of this rejection and allowance of this claim are earnestly solicited.

Regarding claims 30 and 31, it is respectfully submitted that for at least the reason that each of claims 30 and 31 depends from independent claim 20, and therefore contain each of the features as presently recited in this claim, claims 30 and 31 are therefore also patentable over Sakamoto et al. Accordingly, withdrawal of the rejection and allowance of these claims are also earnestly solicited.

Claims 42 and 43

As set forth above in the discussion of independent claim 20, Sakamoto et al. does not disclose "displaying the OSD image containing information about operation of the screen at a

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rotated position in accordance with the mode signal.” Thus, for at least the same reasons, Sakamoto et al. does not disclose, among other things, “modifying the OSD image containing information about operation of the screen body,” as presently recited in independent claim 42 of Applicant’s invention. Moreover, Sakamoto et al. does not disclose each of the features of independent claim 42 of Applicant’s invention, as presently recited. Accordingly, since Sakamoto et al. does not explicitly or inherently disclose every element of independent claim 42, as presently recited, Sakamoto et al. cannot be used to properly reject independent claim 42 under 35 U.S.C. § 102. Therefore, it is respectfully submitted that independent claim 42 is allowable over Sakamoto et al., and withdrawal of this rejection is earnestly solicited.

Regarding claim 43, it is respectfully submitted that for at least the reason that claim 43 depends from independent claim 42, and therefore contains each of the features as presently recited in this claim, claim 43 is therefore also patentable over Sakamoto et al. Accordingly, withdrawal of the rejection is also earnestly solicited.

Claims 34-41 and 44-46 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,134,390 to Kishimoto et al. Applicant respectfully requests withdrawal of this rejection and reconsideration of these claims for at least the following reasons.

Claims 34 and 39-41

Applicant submits that Kishimoto et al. is directed to a rotatable display apparatus and discusses changing the width/height ratio of a display screen. See Kishimoto et al. col. 1, lines 62-bottom. In particular, Kishimoto et al. describes at column 5, lines 45-49, that when the image data stored in image storage means are displayed on the display 11, character data 51 are superposed which include guidance information for the operator, function key definition, characters representative of mouse mode and the like. See also Kishimoto et al. col. 5, lines 53-65 and FIG. 6, where it is stated that character data 60 of Kishimoto et al. includes character information 61 and guidance information 62 at different portions of the display screen that are superposed over an image 65.

Applicant further submits that Kishimoto et al. does not disclose “displaying the first

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image that corresponds to the modified OSD data on the second image displayed on the rotatable screen,” since the character information 61 and the guidance information 62 shown in FIG. 6 of Kishimoto et al. are not the same as “a first image including an on-screen display,” as presently recited in independent claims 34, 39, and 40. Moreover, the character data 60 of Kishimoto et al. is simply not an image.

Furthermore, it is evident from FIG. 6 of Kishimoto et al. that the character data 60 is arranged at a portion of the display such that it does not interfere with a user's view of the image 65. More specifically, Kishimoto et al.'s character data 60 is not displayed “on...the image,” as recited in independent claims 34, 39, and 40. In fact, Kishimoto et al. describes the character data 60 as guiding the operator (user) as to function key definitions, etc. while viewing the image 65 in an image filing system. See also Kishimoto et al. col. 5, lines 53-65. Thus, Kishimoto et al. relies on the ability to see both the image 65 and the character data 60 simultaneously in order to operate properly. That is, the character data 60 could not be displayed “on” the image 65 in Kishimoto et al., since the operator must be able to see both at all times while searching through the image filing system. Accordingly, Kishimoto et al. does not disclose, among other things, “displaying the first image that corresponds to the modified OSD data on the second image displayed on the rotatable screen,” as presently recited in independent claim 34. Furthermore, Kishimoto et al. does not disclose “an on-screen display unit to display the first image corresponding to the modified OSD data on the second image displayed on the screen,” as presently recited in independent claim 39. Nor does Kishimoto et al. disclose “displaying the first image corresponding to the modified OSD data on the second image displayed on the rotated screen,” as presently recited in independent claim 40. Thus, Kishimoto et al. does not disclose each of the features of independent claims 34, 39 and 40, as presently recited.

Accordingly, since Kishimoto et al. does not explicitly or inherently disclose every element of independent claims 34, 39, and 40, as presently recited, Kishimoto et al. cannot be used to properly reject independent claims 34, 39, and 40 under 35 U.S.C. § 102. Therefore, it is respectfully submitted that independent claims 34, 39, and 40 are allowable over Kishimoto et al., and withdrawal of this rejection and allowance of these claims are earnestly solicited.

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Regarding claim 41, it is respectfully submitted that for at least the reason that claim 41 depends from independent claim 40, and therefore contains each of the features as recited in this claim, claim 41 is therefore also patentable over Kishimoto et al. Accordingly, withdrawal of the rejection and allowance of this claim are also earnestly solicited.

Claims 35, 45, and 46

As set forth above in the discussion of independent claims 34 and 39, Kishimoto et al. is directed to a rotatable display apparatus that is capable of changing the width/height ratio of a display screen. See Kishimoto et al. col. 1, lines 62-bottom. However, Kishimoto et al. does not disclose, among other things, "a circuit unit to display the OSD image containing information about operation of the screen body ...," as presently recited in independent claim 35 of Applicant's invention. In fact, Kishimoto et al.'s character data 60 is limited to function key definition (i.e., specific keys on the keyboard 2 that are set to specific functions) and characters representative of a mouse mode. See Kishimoto et al. col. 5, lines 45-49. Thus, Kishimoto et al.'s display unit does not display "information about operation of the screen body," as presently recited in independent claim 35. Accordingly, Applicant submits that Kishimoto et al. fails to disclose each of the features as presently recited in independent claim 35 of Applicant's invention. Independent claim 45 presently recites similar features as independent claim 35, for example, "a circuit unit to modify the OSD image containing information about operation of the screen body...." Thus, for at least the reasons set forth with respect to independent claim 35, Applicant submits that Kishimoto et al. also fails to disclose each of the features as presently recited in independent claim 45 of Applicant's invention. Accordingly, since Kishimoto et al. does not explicitly or inherently disclose every element as presently recited in independent claims 35 and 45, Kishimoto et al. cannot be properly used to reject independent claims 35 and 45 under 35 U.S.C. § 102. Therefore, it is respectfully submitted that independent claims 35 and 45 are allowable over Kishimoto et al., and withdrawal of this rejection and allowance of these claims are earnestly solicited.

Regarding claim 46, it is respectfully submitted that for at least the reason that claim 46 depends from independent claim 45, and therefore contains each of the features recited in this

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claim, claim 46 is therefore also patentable over Kishimoto et al. Accordingly, withdrawal of the rejection and allowance of this claim are also earnestly solicited.

Claims 36-38

As set forth above in the discussion of independent claim 35, Kishimoto et al. does not disclose "a circuit unit to display the OSD image containing information about operation of the screen body at a rotated position in accordance with the mode signal," as presently recited in independent claim 35. Thus, for at least the same reasons, Applicant respectfully submits that Kishimoto et al. does not disclose, among other things, "a control unit to generate a mode control signal to indicate a desired display position of the OSD window on the rotatable screen body" and the "OSD window indicating attribute or functional information about the operational state of the screen," as presently recited in independent claim 36 of Applicant's invention.

Furthermore, Kishimoto et al. fails to disclose "an OSD window," as presently recited in independent claim 36, since none of the data on the display in FIG. 6 of Kishimoto et al. can reasonably be construed as a "window." Thus, Applicant respectfully submits that Kishimoto et al. also does not disclose "a control unit to generate a mode control signal to indicate a desired display position of the OSD window on the rotatable screen body," as presently recited in independent claim 36 of Applicant's invention. Accordingly, since Kishimoto et al. does not explicitly or inherently disclose every element of independent claim 36, as presently recited, Kishimoto et al. cannot be properly used to reject independent claim 36 under 35 U.S.C. § 102. Therefore, it is respectfully submitted that independent claim 36 is allowable over Kishimoto et al., and withdrawal of this rejection and allowance of this claim are earnestly solicited.

Regarding claims 37 and 38, it is respectfully submitted that for at least the reason that each of claims 37 and 38 depends from independent claim 36, and therefore contain each of the features as presently recited in this claim, claims 37 and 38 are therefore also patentable over Kishimoto et al. Accordingly, withdrawal of the rejection and allowance of these claims are also earnestly solicited.

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New Claims

Claims 47-69 have been added. New independent claim 47 recites features that are not disclosed, taught, or suggested in the references relied on by the Examiner, for example, "receiving a selection of the one or more screen function keys while the screen body is powered on" and "displaying the OSD in response to the selection of the one or more screen function keys such that the OSD is displayed at a rotated position when the mode signal is generated." Independent claim 49 also recites features that are not disclosed, taught, or suggested in the references relied on by the Examiner, for example, "a rotatable screen having one or more screen function keys that are selectable to change an operational state of the screen when the screen is powered on" and "an on-screen display unit to control the screen to display an on-screen display (OSD) in response to a selection of the one or more screen function keys on the screen..." Independent claim 50 also recites features that are not disclosed, taught, or suggested in the references relied on by the Examiner, for example, "a screen having one or more function keys..." and "an on-screen display unit to display an on-screen display (OSD) in response to a selection of the one or more function keys when the screen is powered on..." New independent claim 52 recites, for example, "an external signal unit to receive an external image signal," "an OSD generator to generate an internal OSD image signal," and "a circuit unit to drive the display unit to display the external image signal and to drive the display unit to display the internal OSD image signal at a rotated position in accordance with the mode signal generated by the control unit," and independent claim 55 recites similar features as those recited in new independent claim 52. New independent claim 57 recites, for example, "an OSD generator to generate an internal OSD image signal" and "a circuit unit to drive the display unit to display the internal OSD image signal at a rotated position in accordance with the mode signal generated by the control unit," and new independent claim 59 recites similar features. New dependent claims 48, 51, 53, 54, 56, 58, and 60 further define features of the new independent claims. New dependent claims 61-69 further define features of other independent claims pending in this application. Applicant submits that support for the newly added claims can be found in FIG. 10; col. 1, lines 15-29; col. 3, lines 25-30; and FIG. 3 of the specification. Accordingly, it is respectfully submitted that new claims 47-69 do not present new matter, and are allowable over the references relied upon by the Examiner, and allowance of these claims

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are earnestly solicited.

Allowed Claims

Claims 1-19 have been allowed.

Conclusion

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.


If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

A fee of \$2550 for additional claims has been incurred by this amendment. If any further fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account No. 502827.

Respectfully submitted,

STANZIONE & KIM, LLP

Dated: May 2, 2006
919 18th St., NW, Suite 440
Washington, DC 20006
Telephone: (202) 775-1900
Facsimile: (202) 775-1901

By: 
Daniel E. Valencia
Registration No. 56,463